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10/790,151	03/02/2004	Arjuna Indracswaran Rajasingham		3034

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EXAMINER

FIELDS, DORON D

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/790,151

Applicant(s)RAJASINGHAM, ARJUNA
INDRAESWARAN**Examiner**

DORON D. FIELDS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Status of Claims

1. This action is in reply to the application filed on 02 March 2004.
2. Claims 1-12 are currently pending and have been examined.

Specification

3. The disclosure is objected to because of the following informalities:
 - Descriptions of the drawings are missing. See MPEP § 608.01(f). and 37 CFR 1.74.Appropriate correction is required.
4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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6. The abstract of the disclosure is objected to because of its brevity. It does not sufficiently describe the disclosure. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 3 and 11 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The concept of "space of fields" and related queries, responses, trajectories and a Euclidean space is not described in the specification in a manner as to enable one skilled in the art to make and/or use the invention.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1 recites "A method for business decision support ... comprising at least one Professional Layer ...; at least one trust layer ...; a user ..." However, a method without method steps is indefinite. Claims 2-12 depend from claim 1 and are similarly deficient.

11. Claim 10 recites "A method ... as in claim 1, further comprising a bidding system ..." However, a method without method steps is indefinite.

12. Claim 3 recites "wherein said space of fields is a Euclidean space with dimensions representing fields". As no reasonable definite meaning can be ascribed to the claim language, the claim is indefinite (*In re Wilson*). As such, it is improper to rely on speculative assumptions regarding the meaning of the claim and base a rejection on these assumptions (*In re Steele*). See MPEP § 2143.03 [R-6] I.

13. Claim 1 recites the limitation "the decision support system" in the first sentence of the fourth and fifth paragraphs. There is insufficient antecedent basis for this limitation in the claim.

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14. Claim 1 recites the limitation "the professional reputation" in the first sentence of the fifth paragraph. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 1 recites the limitation "the response history" in the second sentence of the fifth paragraph. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 1 recites the limitation "references of members" in the third sentence of the fifth paragraph. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 3 recites the limitation "said space of fields". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

18. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

19. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 is a method claim that recites people as part of the method. People are not considered statutory subject matter.

In addition, claims 1-12 are rejected under 35 U.S.C. 101 based on Supreme Court precedent, and recent Federal Circuit decisions. For a process to be patentable subject matter under § 101 the process must (1) be tied to another statutory class of invention (such as a particular apparatus) or (2) transform subject matter to a different state or thing. See *Diamond v. Diehr*, 450 US 175, 184 (1981); *Parker v Flook*, 437 US 584, 588 n9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 US 780, 787-88 (1876). If neither of these requirements is met by the claim, the method is not a patent eligible process. To qualify under § 101 as a statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. In the present case the method only recites people.

Claims 2-12 depend from claim 1 and are similarly deficient.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

21. Claims 1-5, 11 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Krysiak et al. (PGPUB-NO: US 2002/0078003 A1).

Claim 1:

Krysiak, as shown, discloses the following limitations:

A method for business decision support for creating a part of an economic venture for evaluating human resources utilizing an information network with a plurality of members - a Professional Collaboration Network comprising:

- *at least one Professional Layer with members wherein the professional ability of said members may be assessed using third party knowledge of said members (see at least Figures 15-22 and associated text) ;*
- *at least one Trust Layer with members, with linkages generated by dialog, thereby generating at least one connected network of members comprising pairs of connected members and each member of each of said connected networks of members being connected to every other member of said connected network through a series of pair-wise connections between members of said Trust Layer in said connected network, and wherein a unique path along said pair-wise linkages between any two of said members with any one pair-wise linkage traversed only once, is a connection thread (see at least Figs 11-14 and associated text);*
- *a user of the decision support system, with access to said response histories of members of at least one of said Professional Layers and linkages between members of at least one of said Trust Layers, wherein said user evaluates an evaluated member wherein said evaluated member is a member of at least one of said Professional Layers and at least one of said Trust Networks (see*

at least abstract: "Both the knowledge domains and trust networks change over time according to various user inputs and search requests made to the database, enabling users to identify trusted path connections to various information sources through various entities comprising the trust network.", page 5, paragraph 0054: "The Most Requested Skills screen 126 is preferably categorized by three categories, including a Skill category 136, a Rate category 138, and a Top People category 140. The Skill category 136 displays the most frequently accessed knowledge domains. The Rate category 138 displays the corresponding number of times the most frequently accessed knowledge domain are accessed. The Top People category 140 displays the corresponding names of individuals who are consulted the most often about the most frequently accessed knowledge domains.", and page 5, paragraph 0055: "The Most Accessed People screen 128 is categorized by three categories, including a Who category 142, a Skills category 144, and a Hits category 146. The Who category 142 displays the names of individuals who are consulted the most often within the organization. The Skills category 144 displays the corresponding knowledge domains about which the individuals who are consulted the most often 142 are consulted. The Hits category 146 displays the corresponding number of times that the individuals are consulted.");

- *thereby enabling the user of the decision support system to evaluate the professional reputation of said evaluated member using the response history of said evaluated member and references of members in a connected network to which said evaluated member belongs* (see at least page 5, paragraph 0055: "The Most Accessed People screen 128 thus allows an entity to identify those individuals that are consulted the most often within the organization and the knowledge domains about which they are consulted. The more an individual is consulted, the more that individual will become recognized as an expert within the organization." and page 6, paragraph 0067: "Thus, myGuide 290, as representatively depicted in FIG. 9, allow a user to provide answers to commonly received questions about a given knowledge domain, preferably via hyperlinks to related informational sources 292 such as documents, trade journals or articles, books or magazines, web sites, or the like.").

Claim 2:

Krysiak discloses all the limitations of claim 1 as shown above. Furthermore, Krysiak, as shown, discloses the following limitations:

- *wherein a strength of linkage in said trust network between pairs of members comprises at least one of the nature of, and the frequency of dialog between said pairs of members* (see at least page 5, paragraph 0055: "The Most Accessed People screen 128 thus allows an entity to identify those individuals that are consulted the most often within the organization and the knowledge domains about which they are consulted. The more an individual is consulted, the more that individual will become recognized as an expert within the organization.").

Claim 3:

Krysiak discloses all the limitations of claim 1 as shown above.

- *wherein said space of fields is a Euclidean space with dimensions representing fields.* As no reasonable definite meaning can be ascribed to the claim language, the claim is indefinite (*In re Wilson*). As such, it is improper to rely on speculative assumptions regarding the meaning of the claim and base a rejection on these assumptions (*In re Steele*). See MPEP § 2143.03 [R-6] I.

Claim 4:

Krysiak discloses all the limitations of claim 1 as shown above. Furthermore, Krysiak, as shown, discloses the following limitations:

- *wherein said references of members are from members with direct linkages to the evaluated member* (see at least Fig 11 and associated text).

Claim 5:

Krysiak discloses all the limitations of claim 1 as shown above. Furthermore, Krysiak, as shown, discloses the following limitations:

- *wherein said user of said decision support system is a member of said Trust Layer and said Evaluated member and said user belong to the same connected network, and wherein said user references are generated by pair-wise evaluation along one or more connection threads of a reputation of each member along said connection thread from said user to the member of the*

connected network with a linkage to the Evaluated Member, in conjunction with the reference of the Evaluated Member (see at least Fig 11 and associated text and page 2, paragraph 0014:

"The present invention thus facilitates the selection of an expert within an organization by identifying various knowledge domains and the experts therewithin, and then providing a most trusted path connection from that user to that expert through the trust network.").

Claim 11:

Krysiak discloses all the limitations of claim 1 as shown above. Furthermore, Krysiak, as shown, discloses the following limitations:

- *wherein said professional layer comprises members that are one or both of querying members and responding members, wherein queries of a querying member in a defined field in a space of fields, is responded to by at least one responding member with a response in a defined field in said space of fields evaluated for relevance by said querying member, thereby one or more responses of said query creating a response trajectory in said space of fields and relevance to said query, and sequences of responses of each of said members to one or more queries creating a response history and a related professional reputation for each of said responding members (see at least Figs 9 and 11 and associated text and page 5, paragraph 0055: "The Most Accessed People screen 128 thus allows an entity to identify those individuals that are consulted the most often within the organization and the knowledge domains about which they are consulted. The more an individual is consulted, the more that individual will become recognized as an expert within the organization."));*

Claim 12:

Krysiak discloses all the limitations of claim 1 as shown above. Furthermore, Krysiak, as shown, discloses the following limitations:

- *wherein said Professional layer comprises experts who can evaluate a member (see at least page 2, paragraph 0012: "According to one embodiment of the present invention, a user identifies information sources based on search inquiries through a method comprising a step of establishing a database containing: i) one or more knowledge domains wherein at least one of*

the knowledge domains contains a grouping of one or more items having at least one commonality; and ii) one or more trust networks associated with the knowledge domains wherein the trust networks comprise one or more entities providing self-evaluations and peer-evaluations of said information sources.”).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 6-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Krysiak et al. (PGPUB-NO: US 2002/0078003 A1).

Claims 6 – 9

Krysiak discloses all the limitations of claim 1 as shown above. Krysiak does not disclose the following limitations:

Claim 6:

- *wherein said reputation provided by a first member of a second member with a direct linkage along a connection thread is guaranteed thereby creating a reputation guarantee along a linkage, and each of the linkages in said connection thread have reputation guarantees thereby creating a guaranteed connection thread.*

Claim 7:

- *wherein said guarantees are provided for a guarantee fee paid by the user.*

Claim 8:

- *wherein a payout related to the guarantee fee is paid by each of said guarantors if the reference proves to be invalid.*

Claim 9:

- *wherein a financial institution underwrites one or more of said reputation guarantees.*

Official notice is taken that it is old and well known in the business world to provide assurances based on reputation (e.g., financial markets - credit ratings or worthiness and credit default swap, underwriting, or reinsurance). It would have been obvious to one of ordinary skill in the art at the time of the invention to seek reputation guarantees as doing so minimizes, distributes, or passes the risk taken to others when undertaking an economic venture.

24. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Krysiak et al. (PGPUB-NO: US 2002/0078003 A1) in view of Walker et al. (US-PAT-NO: US 5,862,223 A).

Claim 10:

Krysiak discloses all the limitations of claim 1 as shown above. Krysiak does not disclose the following limitations, but Walker, as shown, does:

- *further comprising a bidding system wherein said user may publish specifications for participation of one or more of said members and invite bids for participation and thereafter utilize the Trust Layer and the Professional Layer to evaluate prospects in the context of bids received (see at least column 7, line 6 through column 8, line 16: "In one embodiment of this invention, a person ("end user") who requires information from an expert accesses an on-line Exchange located at a remote server. The Exchange verifies the user's identification and account status and allows the user to produce a job request suitable for consideration by an expert. The job request includes a full description of the job to be performed, a range of money the user is willing to spend, how quickly he needs the answer, and any other information necessary to respond to the request... Once the job request has been sent, the end user waits to receive any bids by the bid deadline specified... If, after reviewing the full job request, an expert is willing to do the job, he submits a formal offer of service, essentially his bid for the job. This bid may also include his particular qualifications for the job and any special conditions which he might require be incorporated before accepting the assignment. These bids are then forwarded to the user who can then decide which experts, if any, he will hire.").*

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It would have been obvious to one skilled in the art at the time of the invention to incorporate the bidding system of Walker with the trust networks and knowledge domains of Krysiak as soliciting bids provides the requestor with a pool of competitive entities interested in performing a task to choose from. In addition, soliciting bidding for goods or services might be a company's policy or required by law.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Zacharia (US-PAT-NO: US 6,892,179 B1) discloses a system and method for ascribing a reputation to an entity;
 - Eric Lesser and Larry Prusak, *Communities of Practice, Social Capital and Organizational Knowledge*, IBM Institute for Knowledge Management, August 1999;
 - Giorgos Zacharia, Alexandros Moukas, and Pattie Maes, Collaborative reputation mechanisms for electronic marketplaces, *Decision Support Systems*, Volume 29, Issue 4, December 2000, Pages 371-388;
 - Stanley Wasserman and Katherine Faust, *Social Network Analysis: Methods and Applications*, Cambridge University Press, 1994.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Doron D. Fields** whose telephone number is **571.270.3107**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH VAN DOREN** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Doron D Fields/Examiner, Art Unit 3623
18 July 2008

/Beth Van Doren/
Supervisory Patent Examiner, Art Unit 3623